

REMARKS

This paper is responsive to the Office Action dated May 22, 2008 wherein claims 1-12 were rejected. By this paper, claim 5 has been amended. Claims 1-12 remain pending in this application. In view of the following remarks, Applicant requests further examination and reconsideration of the present patent application.

35 USC 101

Applicant respectfully traverses the rejection of claims 5-8 under 35 USC 101 as directed toward non-statutory subject matter.

Applicant amended claim 5. The current independent claim 5 is listed below.

5. A monitoring method comprising:
providing location information and behavior information about a shopper as said shopper is shopping;
analyzing the location information and the behavior information to generate a list of acquired items;
generating a list of purchased items at a point of sale; and
comparing said list of acquired items to said list of purchased items **by a processor** for providing any discrepancies between said list of acquired items and said list of purchased items.

With regard to the amendments in claim 5, the Applicant submits that the original application fully supports the “providing location information and behavior information” and “by a processor” claim recitation. The location information is provided by the shopper tracking component (106, FIG. 1, Application) and the behavior information is provided by the behavior recognition component (108, FIG. 1, Application). Further support can be found in paragraph 0011 of the original application.

Applicant submits that the independent claim 5 has been suitably amended to overcome the Examiner’s rejection. Claims 6-8 depend from the amended independent claim 5.

Therefore, claims 5-8 recite statutory subject matter. Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC 101.

35 USC §103

Applicant respectfully traverses the rejection of claims 1-12 under 35 USC §103(a) as

being unpatentable over Otto et al. (U.S. Pub. No. 20020113123; hereinafter "Otto") in view of Sorensen (U.S. Pub. No. 20020178085; hereinafter "Sorensen"). Applicant respectfully submits that the applied references do not teach, suggest, or disclose either individually or in combination the claims 1, 5 and 9 recitations of "comparing said list of currently acquired items to a list of purchased items"

The cited references, taken alone or in hypothetical combination, fail to teach or suggest features recited by independent claims 1, 5, and 9.

In page 3 of the office action, the Examiner cites paragraph [0080] of Otto, which discusses an inventory taken at a given time is compared with the last previous inventory. Further, if a comparison of the inventories indicates an item present in one inventory, and absent in another, a suitable inference is drawn. In addition, the Examiner stated that "Sorensen teaches a Point-of-sale (POS) terminals and a purchase record computer, where the POS terminal is configured to identify and record purchased products, thereby generating a purchase record for each shopper to have a final checkout location."

Otto only compares inventories in a shopping basket at different times. In Otto, two scanners (15 and 55, FIG. 4, Otto), both of which are associated to the shopping basket, draw the inferences. The inferences are drawn by comparing a current inventory in a shopping basket to a previous inventory in the same shopping basket. This does not teach or suggest that a current inventory is purchased. Both the current and the previous inventory are concerning the items in the shopping basket at different times while shopping. There is no teaching or suggestion about any comparison with purchased items.

In Sorensen, the generated purchase records are sent to data analyzer (paragraph 0033, Sorensen). Sorensen does not teach or suggest about any analysis of data that involves comparison of currently acquired items to a list of purchased items.

Therefore, both Otto and Sorensen provide no disclosure, teaching, or suggestion for comparing list of currently acquired items with "purchased" items.

Accordingly Applicant submits that the combination of the cited references would not render the subject matter of claim 1 and claims 2-4 that depend therefrom, claim 5 and claims 6-8 that depend therefrom, and claim 9 and claims 10-12 that depend therefrom obvious to one of ordinary skill in the art. Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC 103.

Summary

For the reasons set out above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

/Patrick K. Patnode/
Patrick K. Patnode
Reg. No. 40,121

General Electric Company
One Research Circle
Building K1, Room 3A54A
Niskayuna, New York 12309
Telephone: (518) 387-5286
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